

# Design Adjustment Application



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

The purpose of this request is to seek a Design Adjustment from the Development Services Director, or designee, for a specific project only and, if granted, may be approved with special conditions and provisions.

This application and all further action shall be consistent with Section 10.2.18 in the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based solely on the conformance of the findings, as outlined in Sec. 8.3.6, Sec. 8.4.1.E and Sec. 8.5.1.G of the UDO or the Raleigh Street Design Manual.

<b>PROJECT</b>	<b>Project Name</b> BCRD at Brier Creek		
	<b>Case Number</b> S-9-18		
	<b>Transaction Number</b> 548057		
<b>OWNER</b>	<b>Name</b> BCRD Holdings, LLC		
	<b>Address</b> 9133 Fawn Hill Court		<b>City</b> Raleigh
	<b>State</b> NC	<b>Zip Code</b> 27617	<b>Phone</b> (919) 800-1695
<b>CONTACT</b>	<b>Name</b> Sol Rios-Moore / Rick Baker, PE		<b>Firm</b> Timmons Group
	<b>Address</b> 5410 Trinity Road, Suite 102		<b>City</b> Raleigh
	<b>State</b> NC	<b>Zip Code</b> 27607	<b>Phone</b> (919) 866-4939
<b>REQUEST</b>	I am seeking a Design Adjustment from the requirements set forth in the following:		
	<input checked="" type="checkbox"/> <u>UDO Art. 8.3 Blocks, Lots, Access</u>	- See page 2 for findings	
	<input type="checkbox"/> <u>UDO Art. 8.4 New Streets</u>	- See page 3 for findings	
	<input type="checkbox"/> <u>UDO Art. 8.5 Existing Streets</u>	- See page 4 for findings	
	<input type="checkbox"/> <u>Raleigh Street Design Manual</u>	- See page 5 for findings	
	<b>Provide details about the request; (please attach a memorandum if additional space is needed):</b>		
<p>The project site has access to Brier Creek Parkway from a 24' wide driveway cross-access agreement that includes four lots owned by BCRD Holdings, LLC (BM. 2005 PG. 0697). Future development of the subdivided lots will also provide direct and ADA accessible pedestrian access from Brier Creek Parkway to the project site. However, pedestrian and vehicular access to the residential area adjacent to the rear side of the property is not feasible. Per U.D.O. Section 8.3.1D, the following pre-existing conditions limit the ability to comply with block perimeter requirements:</p> <ol style="list-style-type: none"> <li>1. Neuse River Riparian Buffer on the rear side of the property.</li> <li>2. Greenway Easement (BM. 2004 PG. 1975) on the rear side of the property.</li> <li>3. Existing retaining wall (30'H ±) and topographic constraints on the rear side of the property.</li> </ol>			

It is the responsibility of the applicant to provide all pertinent information needed for the consideration of this request.  
Applicant must be the Property Owner.

By signing this document, I hereby acknowledge the information on this application is, to my knowledge, accurate.

*SAM*  
Owner/Owner's Representative Signature

*4/10/2018*  
Date

## CHECKLIST

Signed Design Adjustment Application	<input checked="" type="checkbox"/> Included
Page(s) addressing required findings	<input checked="" type="checkbox"/> Included
Plan(s) and support documentation	<input checked="" type="checkbox"/> Included
Notary page (page 6) filled out; Must be signed by property owner	<input checked="" type="checkbox"/> Included
First Class stamped and addressed envelopes with completed notification letter	<input type="checkbox"/> Included

**Submit all documentation, with the exception of the required addressed envelopes and letters to**  
[designadjustments@raleighnc.gov](mailto:designadjustments@raleighnc.gov).

**Deliver the addressed envelopes and letters to:**

Development Services, Development Engineering  
One Exchange Plaza, Suite 500  
Raleigh NC, 27601

<b>For Office Use Only</b>	<b>RECEIVED DATE:</b>	<b>DA -</b>
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## Article 8.3, Blocks, Lots, Access

### Administrative Design Adjustment Findings



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The Development Services Director may in accordance with *Sec. 10.2.18*, approve a design adjustment, subject to all of the following findings. Describe how each item is met:

- A. The requested design adjustment meets the intent of this Article;  
    **We believe this design adjustment meets the intent of U.D.O. Section 8.3.**
- B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;  
    **We believe the design adjustment conforms with the intent of the Comprehensive Plan and adopted City Plans.**
- C. The requested design adjustment does not increase congestion or compromise Safety;  
    **There is no increase in congestion or compromise of safety. Site access provided by the cross-access agreement limits the number of access points to Brier Creek Parkway.**
- D. The requested design adjustment does not create any lots without direct street Frontage;  
    **The approved adjustment does not create any lots without direct street frontage.**
- E. The requested design adjustment is deemed reasonable due to one or more of the following:
1. Topographic changes are too steep;
  2. The presence of existing buildings, stream and other natural features;
  3. Site layout of developed properties;
  4. Adjoining uses or their vehicles are incompatible;
  5. Strict compliance would pose a safety hazard; or
  6. Does not conflict with an approved or built roadway construction project
  7. adjacent to or in the vicinity of the site.

**We believe the design adjustment is reasonable due to the site constraints listed below:**

1. Neuse River Riparian Buffer on the rear side of the property.
2. Greenway Easement (BM. 2004 PG. 1975) on the rear side of the property.
3. Existing retaining wall (30'H ±) and topographic constraints on the rear side of the property.

# Individual Acknowledgement



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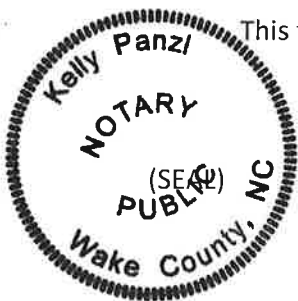
STATE OF NORTH CAROLINA

INDIVIDUAL

COUNTY OF Wake

I, Kelly Panzi a Notary Public do hereby certify that  
Sol Rios-More personally appeared before me this day and  
acknowledged the due execution of the forgoing instrument.

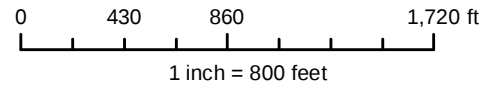
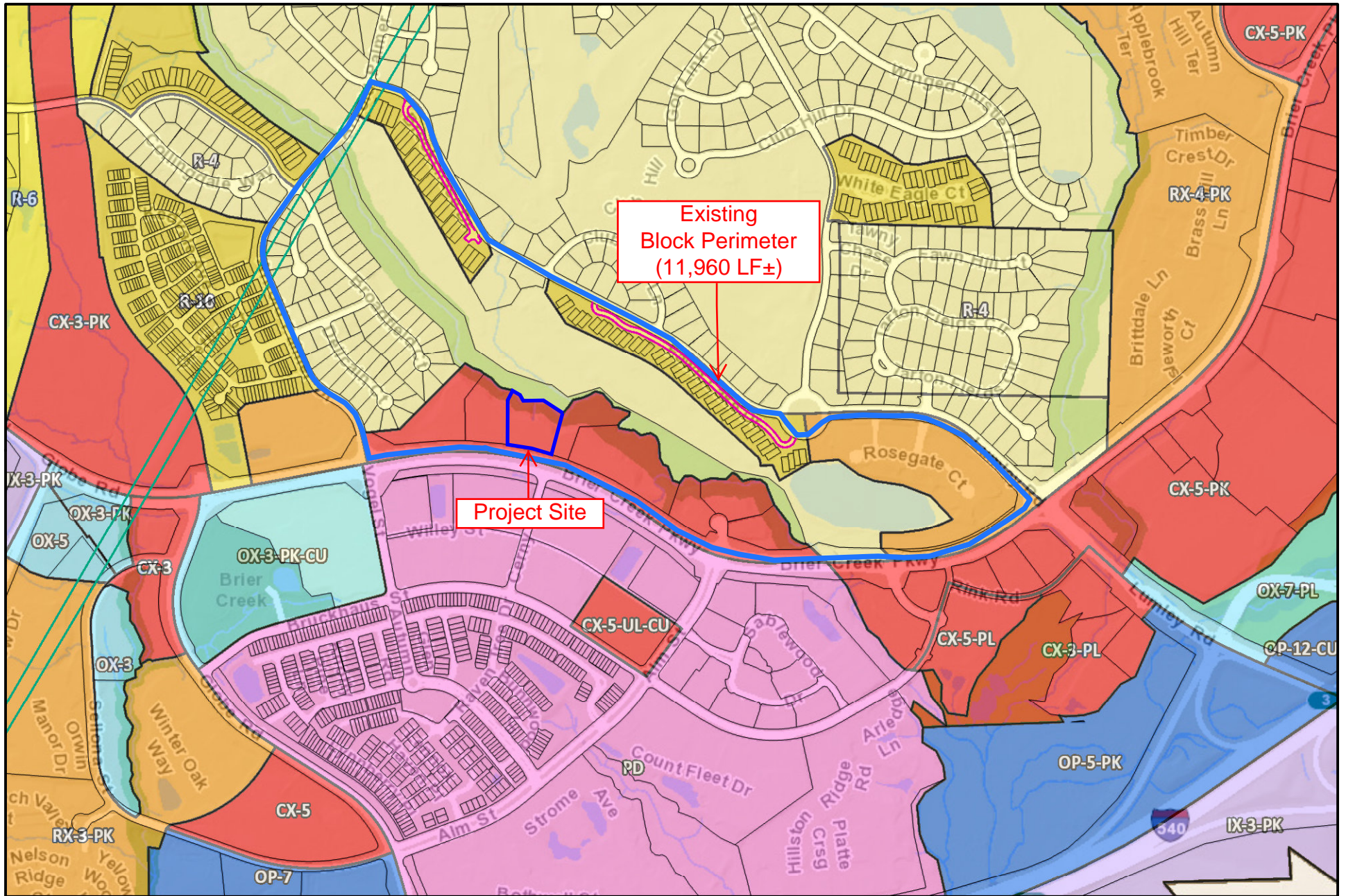
This the 10 day of April, 2018



Notary Public Kelly Panzi

My Commission Expires: 7/10/19





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